

Request for Reconsideration:

Claims 1-5 are pending in the above-captioned patent application. Applicant acknowledges with appreciation that the Examiner indicates that claims 3 and 5 contain allowable subject matter and would be allowable if rewritten in independent form to incorporate the limitations of their base claim and any intervening claims. Applicant is amending independent claims 1, 3, and 4 to remove certain informalities and to overcome the indefiniteness rejections described below. No new matter is added by the foregoing amendments, and these amendments are supported in the specification, as filed. Applicant respectfully requests that the Examiner reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Rejections

Claims 2-5 stand rejected under 35 U.S.C. § 112, ¶2, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Further, claims 1-3 stand rejected under the judicially-created doctrine of obviousness-type double patenting in view of claim 11 of Patent No. US 6,939,112 B2 to Taguchi. Applicant respectfully traverses.

2. Indefiniteness Rejections

As noted above, claims 2-5 stand rejected as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action asserts that the term: “partition wall” recited in claims 2-5 lacks antecedent basis. See, Office Action, Pg. 2, Ln. 17-20. Applicant is amending the term: “partition wall” in claims 1, 3, and 4, to describe the term: “fixed partition wall.” Applicant notes that claims 2 and 5 do not recite the term: “partition wall.” Accordingly, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejections of claims 2-5, at least for this reason.

3. Obviousness-Type Double Patenting Rejections.

Claims 1-3 stand rejected under the judicially-created doctrine of obviousness-type double patenting in view of claim 11 of Patent No. US 6,939,112 B2 to Taguchi. Applicant is enclosing a Terminal Disclaimer to overcome the non-statutory, obviousness-type double patenting rejections. In accordance with 37 C.F.R. § 1.321(c), Applicant also is enclosing a Statement Under 37 C.F.R. 3.73(b) with attached assignment. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness-type double patenting rejection of claims 1-3.

Conclusion:

Applicant respectfully submits that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representative, we would welcome the opportunity to do so. Applicant respectfully requests that the U.S. Patent and Trademark Office charge the \$140.00 terminal disclaimer under 37 C.F.R. § 1.20(d) (Fee Code 1814) to the undersigned's Deposit Account No. 02-0375. In the event of any variance between the fees determined by Applicant and the fees determined by the PTO, please charge or credit any such variance to **Deposit Account No. 02-0375**.

Respectfully submitted,

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Enclosures